

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

RESOLUTE FOREST PRODUCTS, INC., *et al.*,)

Plaintiffs,

v.

GREENPEACE INTERNATIONAL, *et al.*,

Defendants.

) CIVIL ACTION FILE

) NO. CV116-071

**DECLARATION OF LACY H. KOONCE, III
IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE
PURSUANT TO O.C.G.A. § 9-11-11.1**

LACY H. KOONCE, III declares as follows:

1. I am an attorney with the law firm of Davis Wright Tremaine LLP, attorneys of record for the Defendants in the above-captioned matter.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Georgia General Assembly webpage on H.B. 513 from the 2015-2016 Regular Session.
3. Attached hereto as Exhibit 2 is a true and correct copy of a Forest Stewardship Council (FSC) Canada fact sheet, "Introduction to the Forest Stewardship Council."
4. Attached hereto as Exhibit 3 is a true and correct copy of a Forest Stewardship Council (FSC) Canada fact sheet, "FSC Forest Management Certification."
5. Attached hereto as Exhibit 4 is a true and correct copy of a Forest Stewardship Council Canada Working Group *National Boreal Standard*, August 6, 2004.
6. Attached hereto as Exhibit 5 is a true and correct copy of a Forest Stewardship Council webpage on Certification Bodies.

7. Attached hereto as Exhibit 6 is a true and correct copy of a Forest Stewardship Council webpage providing certification data on PF Résolu Canada Inc. (Mistassini-Péribonka).

8. Attached hereto as Exhibit 7 is a true and correct copy of a Forest Stewardship Council webpage providing certification data on PF Résolu Canada Inc. (Lac St. Jean).

9. Attached hereto as Exhibit 8 is a true and correct copy of a Forest Stewardship Council webpage providing certification data on PF Résolu Canada Inc. (Caribou Forest).

10. Attached hereto as Exhibit 9 is a true and correct copy of a Rainforest Alliance “Statement on Resolute Forest Products,” dated May 21, 2014.

11. Attached herehto as Exhibit 10 is a true and correct copy of the Statement of Claim in *Resolute FP Canada Inc. v. Rainforest Alliance, Inc., et al.*, Court File No. CV-2014-171, June 5, 2014, Ontario Superior Court of Justice.

12. Attached hereto as Exhibit 11 is a true and correct copy of a Rainforest Alliance “Public Summary Report for Forest Management 2013 Annual Audit Report for PF Résolu Canada Inc. (Mistassini-Péribonka) in Dolbeau-Mistassini, QC,” dated December 11, 2013.

13. Attached hereto as Exhibit 12 is a true and correct copy of a Rainforest Alliance “Public Summary Report for Forest Management 2013 Annual Audit Report for Produits forestiers Résolu (Lac St-Jean) FMUs 022-51 and 025-51 in Lac St-Jean, Quebec in Dolbeau-Mistassini, QC,” dated July 9, 2013.

14. Attached hereto as Exhibit 13 is a true and correct copy of a Forest Stewardship Council FSC Canada article titled “Resolute Forest Products’ FSC Forest Management Certificates to be suspended,” dated December 12, 2013.

15. Attached hereto as Exhibit 14 is a true and correct copy of a Forest Stewardship FSC Canada webpage article titled “Resolute Forest Products” Caribou Forest FSC Certificate Terminated,” dated January 13, 2015.

16. Attached hereto as Exhibit 15 is a true and correct copy of an Ontario Ministry of Natural Resources and Forestry, Species at Risk Branch, report titled, “Integrated Range Assessment for Woodland Caribou and their Habitat, Brightsand Range 2011,” dated December 2014.

17. Attached hereto as Exhibit 16 is a true and correct copy of a Tembec press release titled, “Collaboration leads to solutions for threatened woodland caribou and jobs,” dated May 18, 2016.

18. Attached hereto as Exhibit 17 is a true and correct copy of a Wildlands League press release titled, “Collaboration leads to solutions for threatened woodland caribou and jobs,” dated May 18, 2016.

19. Attached hereto as Exhibit 18 is a true and correct copy of a 2009 report by M. Carlson, J. Wells, and D. Roberts for the Boreal Songbird Initiative and Canadian Boreal Initiative titled, “The Carbon the World Forget, Conserving the Capacity of Canada’s Boreal Forest Region to Mitigate and Adapt to Climate Change.”

20. Attached hereto as Exhibit 19 is a true and correct copy of an article by Thomas Buchholz, et al. titled “Mineral soil carbon fluxes in forests and implications for carbon balance assessments,” as published in Volume 6, Issue 4 of GCB Bioenergy.

21. Attached hereto as Exhibit 20 is a true and correct copy of an article by Hosea Kato Mande, et al., titled “Forest Logging and It[s] Impact on Soil Carbon Dioxide Efflux in the

tropical Forest, Peninsular Malaysia," as published in Volume 8, Issue 12, Ver. II of the IOSR Journal of Environmental Science, Toxicology and Food Technology, dated December 2014.

22. Attached hereto as Exhibit 21 is a true and correct copy of Environment Canada's 2012 publication, "Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada," Species at Risk Act, Recovery Strategy Series.

23. Attached hereto as Exhibit 22 is a true and correct copy of a September 2012 report by Tyler D. Rudolph, et al. titled "Status of Woodland Caribou (*Rangifer tarandus caribou*) in the James Bay Region of Northern Quebec."

24. Attached hereto as Exhibit 23 is a true and correct copy of a 2014 report by the Bureau du forestier en chef, titled, "Caribou forestier – Effet des strategies actuelles d'amenagement forestier sur les taux de perturbation de l'habitat."

25. Attached hereto as Exhibit 24 is a true and correct copy of the May 15, 2013 "Formal Complaint to Accreditation Services International (ASI) Regarding Forest Stewardship Council Certification RA-FM/COC-005956-by the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority."

26. Attached hereto as Exhibit 25 is a true and correct copy of the April 7, 2014 ASI Complaint Investigation Report PUBLIC SUMMARY Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority (GCCEI/CRA) complaint against Rainforest Alliance Regarding: Rainforest Alliance's decision to close Major non-conformance #25/12 At RA-FM/COC-005956.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of September, 2016, in New York City.



Lacy H. Koonce, III